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NOMINATION OF BERNARD A. MAGUIRE TO BE AN ASSOCIATE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY

HEARING

BEFORE THE

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

ON

NOMINATION OF

BERNARD A. MAGUIRE TO BE AN ASSOCIATE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY

MARCH 16, 1983

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WEDNESDAY, MARCH 16, 1983

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C.

The committee met in open session, pursuant to notice, at 2:40 p.m., in room SR–222, Russell Senate Office Building, Senator John W. Warner presiding.

Members Present: Senators Warner, Wilson, and Bingaman.

Staff present: Alan R. Yuspeh, general counsel; James G. Roche, minority staff director; Paul C. Besozzi, minority counsel, Christine C. Dauth, chief clerk; and Tamara L. Farnsworth, staff assistant.

Also present: John Campbell, assistant to Senator Warner; Ron Kelly, assistant to Senator Humphrey, and Grey Pallas, assistant to Senator Exon.

OPENING STATEMENT BY SENATOR JOHN W. WARNER, PRESIDING

Senator WARNER. The committee meets this afternoon to consider the nomination of Bernard A. Maguire to be Associate Director of the National Preparedness Programs Directorate, the Federal Emergency Management Agency, better known as FEMA.

We are pleased to have Mr. Maguire here today. Mr. Maguire, your biography and nomination reference will be made a part of the record.

[The nomination reference and biographical sketch follow:]

NOMINATION REFERENCE

SENATE OF THE UNITED STATES,
February 10, 1983.
(*Under authority of the order of the Senate of February 3, 1983.*)

Ordered, That the following nomination be referred to the Committee on Armed Services:

Bernard A. Maguire, of Virginia, to be an Associate Director of the Federal Emergency Management Agency, vice Gloria Cusumano Jimenez.

BIOGRAPHICAL SKETCH OF BERNARD A. MAGUIRE

Bernard Maguire is the designee for the position of Associate Director, National Preparedness Programs for the Federal Emergency Management Agency (FEMA). His appointment, subject to Senate confirmation, makes him responsible for managing the Federal Government's role in civil preparedness, resources preparedness and mobilization preparedness. This position also entails a central

advisory role in FEMA through the Office of the Science Advisor and the Office of Research.

Prior to his current assignment, Mr. Maguire was President and Chief Executive Officer of VPA Corporation, of Vienna, Virginia, a management consulting firm specializing in policy development and executive decision analysis for the energy industry and related firms. He had previously served in management positions for two other consulting services firms during the period from 1976 through 1981.

Among many consulting projects in diverse settings Mr. Maguire has developed practical applications of state of the art information management systems, planned safety review processes in industry, analyzed commercial application of advanced technology, and installed systems for office automation.

Mr. Maguire, a native of Philadelphia, Pennsylvania, is a 1964 graduate of the United States Naval Academy with a BS degree and major emphasis in mathematics and reactor physics. He also achieved an MBA degree from the University of Pittsburgh Graduate School of Business in 1973.

Following graduation from the Naval Academy, he attended a variety of submarine nuclear power training and orientation programs, and then served as Supply Officer and Electrical Officer aboard a diesel-electric submarine until attaining designation as a qualified submariner. He was selected for Polaris Weapons School and following that training served as Assistant Weapons Officer and later Weapons Officer aboard the *USS Sam Rayburn* (SSBN-635). During his tour as Weapons Officer, the *Rayburn* was the highest graded East Coast submarine for nuclear weapons proficiency.

After his naval service, Mr. Maguire joined Westinghouse Electric Corporation in 1969, progressing from project engineer for nuclear energy systems to international project manager for generation systems. In this capacity he managed major power plant projects in Central and South America, directing field engineering, design, construction and testing in remote locations. He assumed responsibility for handling emergency repair projects in Brazil, Ecuador, Korea and the Dominican Republic.

Mr. Maguire lives with his wife and four children in Vienna, Virginia.

Senator WARNER. Mr. Maguire is from the State which I represent, Virginia, and he has with him today a wonderful complement of family.

Would you be kind enough to introduce them, please.

Mr. MAGUIRE. Yes, sir. With me here today are my wife, Joyce, my children, Brad, Mark, John, and Megan, my mother, Mrs. Rita Maguire of Philadelphia, my uncle from Arlington, Va., George Panisnick, and my aunt and uncle from Philadelphia, Mr. and Mrs. James Maguire. My sister and brother-in-law are also from Philadelphia, and they are Albert and Rita Poulton.

Senator WARNER. You would think this was a baptism.

Mr. MAGUIRE. Sir, let me not exclude my mother-in-law, Mrs. Connie Formica, who was good enough to let us know late last evening that she was able to make the trip, in rather quick service, and I certainly appreciate her being here.

Senator WARNER. We are delighted to have all members of the family, particularly the mother-in-law.

I sat in the seat that you are in on two occasions. I was a nominee appearing before the committee for confirmation, and it is important to have the family here.

I want to impress upon the family that you are undertaking this assignment at the request of your President and citizens of this country. While this may be somewhat disruptive of the family and professional life, in the long run you can look upon it yourself as can other members of the family with great pride.

You are, of course, from Virginia and graduated from the Naval Academy in 1964 with a major in mathematics and reactor physics.

Curiously, I graduated 22 years before you with a major in mathematics. It is interesting because there are very few Members of the Senate who took any engineering training.

This talent was further expanded with naval course work in submarine nuclear power, including the Polaris Weapons School.

You then served on the U.S.S. *Sam Rayburn* (SSBN–635). While the weapons officer of the submarine, the U.S.S. *Sam Rayburn* was rated the highest U.S. submarine for nuclear weapons proficiency.

Having had some modest experience in the Navy, I can tell you that that is a compliment particularly when you served with Adm. Hyman Rickover.

Mr. MAGUIRE. Thank you, sir.

Senator WARNER. In 1969 Mr. Maguire accepted the position of projects engineer for nuclear energy systems for Westinghouse Electric Corp. While there, he moved into the international arena as international program manager for generation systems. He was responsible for emergency repair projects in Brazil, Ecuador, Korea, and the Dominican Republic. He completed an MBA from the University of Pittsburgh Graduate School of Business while at Westinghouse.

From 1976 until the present, Mr. Maguire worked with three management consulting firms. Most recently, he served as president and chief executive Officer of VPA Corp of Vienna, Va. This company specialized in program development and executive decision analysis for energy industries and related firms.

His responsibilities at FEMA, pending Senate confirmation, will include managing the Federal Government's role in civil preparedness, resources preparedness, and mobilization preparedness. It will also involve supervision of FEMA's Office of the Science Adviser and its Office of Research.

I would like to note for the record of this hearing that Mr. Maguire has met with the staff of the committee to review his financial holdings and to assure that he will be in compliance with our committee's requirements so as to avoid any conflict of interest between his personal finances and his governmental responsibilities.

Mr. Maguire proposed to maintain his ownership of certain shares of common stock of Castle & Cooke Corp., a private entity involved in assorted agribusiness matters. There is no apparent conflict between the ownership of this one security and Mr. Maguire's governmental responsibilities.

Based upon our independent review of Mr. Maguire's financial holdings, as presented by him, as well as guidance from the Office of Government Ethics of the Office of Personnel Management, it appears that Mr. Maguire is in full accord with Federal laws regarding conflict of interest.

My staff has done a very comprehensive job, and rather than take up the time, because I feel we will be called to the floor shortly, at this time if you have a statement to make, we would be happy to have you proceed.

STATEMENT OF MR. BERNARD A. MAGUIRE

Mr. MAGUIRE. Thank you, Mr. Chairman and members of the committee.

I consider it indeed an honor to be placed in nomination by President Reagan for the position of Associate Director of the National Preparedness Programs Directorate. The National Preparedness Programs Directorate holds heavy responsibility for the development of policy and programs and a coordination of the necessary plans to perform emergency management functions of the Federal Government.

FEMA has the responsibility based on the acts of Congress and Executive orders for the coordination of the Federal Government sector in response to emergency management. As an Associate Director, I will be directly responsible for mobilization preparedness which entails those activities which are needed to mobilize the country in time of warfare, resources preparedness which entails the responsibility of coordinating the stockpiling of resources for mobilization, for economic stabilization in time of warfare, and the assurance of resource availability.

Civil preparedness entails the activities that are necessary for civil response across the full spectrum of emergencies, including conventional and nuclear warfare and the research and development coordination for FEMA.

The National Preparedness Program Associate Director carries all of these responsibilities out through acts of Congress, including the National Security Act, the Strategic and Critical Materials Stockpiling Act, the Federal Civil Defense Act of 1950, as amended.

Again, Mr. Chairman, I thank you and I feel that it is an honor to be here today before you.

Senator WARNER. Do you have any questions of the nominee, Senator Wilson?

Senator WILSON. No, I don't. I had the opportunity to meet with Mr. Maguire today and I am satisfied that we would be well served by his confirmation.

Senator WARNER. Thank you very much, Senator.

There are two points, Mr. Maguire.

How does your position work with the Science Adviser of the President?

Mr. MAGUIRE. Sir, we in FEMA have a responsibility to coordinate all Federal Government activities and coordinate those closely through the Office of the President. We have performed studies jointly with the Office of Science and Technology of the President, for example, in the area of critical and material resources.

We performed a survey of the adequacy and the maintenance standing of the stockpile, and we are in close collaboration with them on a day-to-day basis.

I should mention that that is primarily through the Office of the Science Adviser to FEMA who also reports to me.

Senator WARNER. The Science Adviser of FEMA has a direct chain through you and as such you will work with the Science Adviser to the President?

Mr. MAGUIRE. That is correct, sir.

Senator WARNER. In the area of research, what would be some of your priorities?

Mr. MAGUIRE. For a number of years now, sir, the civil defense program has been maintained at a level of funding which has enabled it

to simply stay level with experiences of each of the years since the period 1962–63. The funding at that time was enhanced as a result of the Cuban missile crisis.

Since that time it has steadily declined to the point now where we are simply surviving on a year-to-year basis in the civil defense program. I consider our research element to be critical to continued performance of the civil defense infrastructure throughout the country and I intend to put a priority on those elements which will enable us to build the capability to defend our population on the whole.

Senator WARNER. How will you work with the States and localities in national security emergency planning?

Mr. MAGUIRE. I feel very strongly, Senator, that our State and local communities ought to perform emergency preparednéss functions with the plans, the right plans, and put the people and the system in place on a local level. I believe they can do that strictly on their own with encouragement, guidance and funding, matching funds from the Federal Government.

I think that the communities have the incentives to perform these preparedness activities that are necessary, and I think it is our responsibility, our Federal responsibility, to see that they have the necessary resources so that they can develop their full program.

Senator WARNER. Well, the overall subject, particularly of civil defense, is of great concern to the States. As you know, I have taken a special interest in this subject in our Subcommittee on Strategic and Theater Nuclear Forces. This is the subcommittee which oversees the budgetary request of your agency.

We will be discussing before the coming hearing the area of civil defense. We will wait until that time with the hope that you and your senior colleagues will be present to get into that.

Mr. MAGUIRE. I expect to.

Senator WARNER. It is very important. The State people are taking an active role and we have a most conscientious group in the State of Virginia. I took a special trip to speak at their annual meeting last year and I felt that the work that they were trying to do was very important and justified my time and presence.

So, I can't stress too strongly the importance of your establishing personal contact with the various people in the Governor's offices and others in the States. If we are to make any progress in civil defense, it will only be through achieving a cooperative relationship with the State.

Now, each nominee coming before the committee is requested to give the committee assurances that in your capacity that you will fully answer any and all questions when you appear before this and other congressional committees.

Are you prepared to make that commitment?

Mr. MAGUIRE. I am fully prepared to make that statement at this time.

Senator WARNER. I thank you. There are no other members of the committee present because of the rather unusual situation on the floor of the Senate right now. I will consult with my other colleagues and will personally recommend that this committee report favorably on your nomination.

I have every expectation that your unusual record of accomplishment will gain you the recommendation by the entire committee. I think the United States is quite fortunate to have a person of your background to commit and to appear in public service.

Mr. MAGUIRE. Thank you very much.

Senator WARNER. If there are no other statements to be made by the committee or anyone in the audience, and hearing no statements for or against the nominee, the hearing is closed.

[Whereupon, at 2:30 p.m., the committee proceeded to other business.]

[The nomination of Bernard A. Maguire was reported to the Senate by Senator Warner on March 16, 1983, with the recommendation that the nomination be confirmed. The nomination was confirmed by the Senate on March 17, 1983.]

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